

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 747 - HB 1252

March 7, 2019

SUMMARY OF ORIGINAL BILL: Requires horse drawn vehicles used on highways primarily as means of transportation to use both a battery powered strobe light and two reflective type lanterns, rather than one or the other.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004655): Deletes all language of the original bill after the enacting. Prohibits a person from operating horse drawn vehicles used on highways primarily as means of transportation during the period of time from one half hour before sunset until one half hour after sunrise and all other times when there is not sufficient light, unless the vehicle is equipped with a red a battery operated LED flashing light, two reflective type lanterns, and reflective tape. Establishes that violation of such is a Class C misdemeanor, punishable only by a fine not to exceed \$10.

Specifies that the violation of not properly equipping or displaying proper lighting on a motor vehicle or cotton wagon during the specified times and atmospheric lighting conditions is a Class C misdemeanor, punishable only by a fine not to exceed \$50.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 55-9-401, horse drawn vehicles that are used on the highway shall be equipped on the top with a battery powered white strobe light or be equipped with two reflective type lanterns and reflective tape.
- Requiring horse drawn vehicles used on highways to use red a battery operated LED flashing light, two reflective type lanterns, and reflective tape when on the highway at specified times of lower visibility will not result in a significant fiscal impact to state or local government.

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- There will not be a sufficient number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Pursuant to Tenn. Code Ann. § 40-35-111(e)(3), a Class C misdemeanor is punishable by not greater than 30 days incarceration or a fine not to exceed \$50.00, or both, unless otherwise provided by statute.
- It is reasonably estimated that the vast majority of violations of not properly equipping or displaying proper lighting on a motor vehicle or cotton wagon during the specified times and atmospheric lighting conditions, currently, are punished only with a fine.
- Specifying that such a violation is only punishable by a fine not to exceed \$50 will not result in a significant impact to state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jmg